IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

ADVANCEME, INC.	§	
	§	**Civil Case No. 6:05-CV-424**
VS.	§	
	§	**Davis**
RAPIDPAY, LLC, et al	§	

AGREED MOTION FOR EXTENSION OF TIME WITHIN WHICH TO FILE EXPERT REPORTS

TO THE HONORABLE LEONARD DAVIS:

COME NOW Plaintiff, AdvanceMe, Inc. and Defendants Rapidpay, LLC, First Funds, LLC, Merchant Money Tree, Reach Financial, LLC, and Fast Transact, Inc., d/b/a Simple Cash and file this agreed motion for an extension of time within which to file their expert reports.

Last week, due to a family emergency regarding plaintiff's expert, AdvanceMe, Inc. asked whether the defendants Rapidpay, LLC, First Funds, LLC, Merchant Money Tree, Reach Financial, LLC, and Fast Transact, Inc., d/b/a Simple Cash would agree to extend the date for expert reports from March 5th to March 7th. The defendants agreed and the plaintiff indicated that it would make a motion to that effect. Fortunately for plaintiff's expert, his emergency was resolved and he advised he no longer needed the time. However, by then the defendants' expert had been advised that the report would not be available until March 7th. Due to the confusion, the parties thereafter conferred and agreed to ask for the extension as originally agreed. Therefore, the parties respectfully move this Court to continue the deadline to submit their expert report up to and including March 7, 2007, with rebuttal reports being due on March 23, 2007. This Motion is not made for the purposes of delay or any other improper purpose.

Dockets.Justia.com

Respectfully submitted:

By: /s/ Otis Carroll
Otis Carroll, Attorney-in-Charge
Texas State Bar No. 03895700
Deborah Race
State Bar No. 16448700
IRELAND, CARROLL & KELLEY P.C.
6101 South Broadway, Suite 500
Tyler, Texas 75703
Telephone: (903) 561-1600
Facsimile: (903) 581-1071
Email: Fedserv@icklaw.com

ATTORNEYS FOR PLAINTIFF ADVANCEME, INC.

PAUL, HASTINGS, JANOFSKY & WALKER LLP

Ronald S. Lemieux (*Admitted Pro Hac Vice*)
Daniel B. Pollack (*Admitted Pro Hac Vice*)
Five Palo Alto Square, Sixth Floor
Palo Alto, CA 94306-2155
Telephone: (650) 320-1800
Telecopier: (650) 320-1900
Email: ronlemieux@paulhastings.com

Elizabeth L. Brann (CA Bar No. 222873)
3579 Valley Centre Drive
San Diego, CA 92130
Telephone: (858) 720-2500
Telecopier: (858) 720-2555

ATTORNEYS FOR PLAINTIFF ADVANCEME, INC.

CERTIFICATE OF CONFERENCE

On February 28, 2007, Mike Edelman conferred with Bill Schuurman and Joey Gray regarding the filing of this motion and all parties were in agreement. Thereafter, on March 5, 2007, Robert Matz confirmed with Joey Gray that the parties were still in agreement and did not oppose the filing of this motion.

/s/Deborah Race
Deborah Race

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by facsimile transmission and/or first class mail this 6th day of March, 2007.

/s/ Otis Carroll
Otis Carroll